

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD
REGULAR MEETING
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**

Board Members
Michael Gravesen, Chair
Paul Bigness, Vice-Chair
Stephen Vieira, Secretary
Don McCormick
Kenneth Chandler



District
District V
District III
District I
District II
District IV

**MINUTES
REGULAR MEETING**

October 12, 2020 at 1:30 P.M.

Call to Order

Chair Gravesen called the meeting to order at 1:30 pm

Roll Call

Upon the roll being called it was determined a quorum was present.

Approval of Minutes – September 14, 2020 Regular Meeting

The September 14, 2020 minutes were approved as circulated.

Announcements

The oath was provided by Recording Secretary Bennett for those wishing to provide testimony.

PETITIONS

PD-20-00006

Quasi-judicial

Commission District V

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD. This is a major modification of the existing PD, Resolution Number 94-211, to allow some commercial uses on a portion of the property specifically located on Claburn Circle and containing 4.08± acres; for property generally located northwest of Cochran Boulevard, southwest of Tamiami Trail (US 41), and southeast of Frizzell Lane, in the Port Charlotte area, containing 11.38± acres; Commission District V; Petition No. PD-20-00006; Applicant: Development Real Estate Solutions, LLC; providing an effective date.

Jie Shao, Principal Planner, provided the findings and analysis for Petition PD-20-00006 with a recommendation of approval with Conditions, based on the reasons stated in the staff report.

Questions for Staff

None

Applicant's Presentation

Robert Berntsson, Esq. Big W Law Firm, said he accepts Ms. Shao as an expert. He goes into detail on the history of the property and explains that his client is under contract for this property, with a contingent on the re-zoning being approved. Their intention is to put a hotel and the most likely use for the other building is a restaurant. In case a restaurant isn't placed there, they did allow for other commercial uses to be there. Over the minimum enhanced buffers have been put in the report, for protection offered to the neighbors. In addition, on the southern portion of the property there is a green belt that separates the commercial property from row of houses that are

further south. They join in the staff report and accepts all conditions that are proposed and respectfully request for recommendation of approval.

Public Input

Susan Oliver, Lives near this site, she personally objects to it being commercial because her backyard is right next to this location and this is not directly on Tamiami Trail to have a hotel built there. Most hotels are along Tamiami Trail where this location is behind the church and Checkers.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. McCormick**; with a unanimous vote.

Rebuttal

Robert Berntsson, believes that substantial evidence presented by staff and himself and with no competent substantial evidence in opposition and would therefore respectfully request approval of the PD application. He also provided information for the neighbor, that enhanced buffers are being provided.

Mr. Gravesen, asked if they have from the plans an idea of the height?

Ms. Shao, answered forty-five feet. **Mr. Berntsson**, added in that in commercial you would be allowed sixty feet but we voluntarily limited it to forty-five. That is for the hotel, the other building in limited to thirty-eight feet.

Mr. Bigness, asked it was previously zoned commercial correct? **Mr. Berntsson**, answered the comprehensive plan is commercial the zoning is PD, which allowed for the parking area for the commercial movie theater.

Recommendation

Mr. McCormick moved that **PD-20-00006** be sent to the Board of County Commissioners with a recommendation of Approval with condition A through P, based on the findings and analysis in the staff report dated October 1, 2020, along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

TLDR-20-04

Revisions to Manasota and Sandpiper Key Zoning District Overlay **Legislative** **Commission District III**
An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9: Zoning, Article II: District Regulations, by revising Section 3-9-50: Manasota and Sandpiper Key Zoning District Overlay (MSKZDO) to revise subsection (a) Definitions, item (9) Peripheral landscape strip under subsection (i) Development standards, and item (3) under subsection (k) Landscaping, in order to add "artificial turf" as a permitted landscaping material within peripheral landscaping strips; providing for conflict with other ordinances; providing for severability; and providing for an effective date; Petition No. TLDR-20-04; Applicant: Charlotte County of County Commissioners.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **TLDR-20-04** with a recommendation of approval, based on the reasons stated in the staff report.

Mr. McCormick, asked artificial turf has a lifespan are there provisions to make sure they are maintained in a proper manor? **Mr. Cullinan**, answered similar to grass having a lifespan, if it becomes weeded or destroyed would be a code violation. If it starts peeling up and doing other things, that would have to become a Code Enforcement violation.

Mr. Vieira, asked if there are any type of products that are excluded? **Mr. Cullinan**, answered anything that would be on an impervious base, such as concrete, asphalt or anything else. **Mr. Bigness**, states he saw in the report, it has to be a green open area, does it have to be green? Can it be any other color? **Mr. Cullinan**, answered it states

Charlotte County Planning and Zoning Board Minutes Continued

October 12, 2020

Page 3 OF 3

green because its intended to be the vegetated area. That's why grass, shrubs, trees and natural ground covers are basically a 10 foot set back, because you can not have anything impervious in there.

Public Input

None.

- **Mr. Bigness** moved to close the public hearing, second by **Mr. McCormick**; with a unanimous vote.

Questions for Staff

Mr. Gravesen, mentioned it went before the Manasota Committee, asked if they had any problems with this? **Mr. Cullinan**, answered were not able to get a quorum, but it's not required for them to make any formal action. One of the members that did show up, has it in her primary yard. She was able to educate the committee about artificial turf. The two individuals that were at the committee meeting proposed, staking and the infill with sand. **Mr. Bigness**, asked can anyone paint a logo or something like that on it? **Mr. Cullinan**, answered if its legible from the road way it will be considered a sign. If it's advertising anything on, even on private property, it can still be deemed a sign, if legible from the road way.

Recommendation

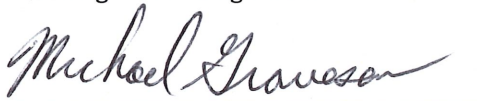
Mr. Bigness moved that **TLDR-20-04** be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated October 1, 2020, along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Mr. McCormick, announced that **Vitor Suguri, Community planner for District 1 for FDOT**, would like to display his interest in our proceeding. **Vitor Suguri**, explains his attendance to the meeting is to explore how the meetings are going and to provide any support that FDOT can provide, to the commissioners and the community. FDOT is evolving and changing how they do businesses. We want to provide more of the contact sensitive solutions, to our state facilities. It is important to us to work with you on resolving issues. He gave an example on a Planned Development that the FDOT was informed on in which they supplied some information on the impact. FDOT, wants to make themselves available for possible support that may be needed. He mentioned he had a discussion with **Mr. Bigness** before the meeting, about concerns in terms of education for drivers. That is something FDOT can provide, if the county wants them to put some materials together. He also mentioned education about bicyclist.

ADJOURNMENT

The meeting was adjourned at 1:56 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair